IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

OP.No. 742 of 2002(L)
---

PETITIONER: 1ST RESPONDENT
---

G. SUDHAKARAN NAIR, ADVOCATE, T.C. 25/3068,
VANCHIYOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.D.SAJEEV
SMT.LIGEY ANTONY

RESPONDENTS: PETITIONER & 2ND RESPONDENT
---

1. THE DISTRICT COLLECTOR, THIRUVNANTHAPURAM.

2. THE ACCOMMODATION CONTROLLER (TAHSILDAR),
TRIVANDRUM.

3. P. DEVASAHAYAN, ADVOCATE, T.C. NO. 25/3069,
VANCHIYOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.R.S.KALKURA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON C.M.P. NO. 1242/2002 IN O.P. NO. 742/2002

DISMISSED

25.10.2007 SD/- K. BALAKRISHNAN NAIR, JUDGE.

SD/- T.R. RAMACHANDRAN NAIR, JUDGE.

K. BALAKRISHNAN NAIR & T.R. RAMACHANDRAN NAIR,JJ

==========

O.P.No. 742 OF 2002

==========

Dated this the 25th day of October, 2007.

**JUDGMENT**

Balakrishnan Nair,J

The petitioner has approached this Court challenging Ext.P1 order of the Accommodation Controller and Ext.P2 order of the District Collector. The brief facts of the case are the following:-

2. The 3rd respondent is the tenant of a room bearing door No.TC 25/3069 of Thiruvananthapuram Corporation which is situated in a two storied building of the writ petitioner. The 3rd respondent moved the Accommodation Controller earlier alleging that the petitioner has cut off the electricity connection to his room. The Accommodation Controller allowed that application. Even then the petitioner did not implement that order, but instead, he cut off the water supply to the room. The common facility of latrine available to the 3rd respondent and other tenants were also removed. So, the second application covering the said amenities was filed before the Accommodation Controller and the same was allowed vide Ext.P1 order dated 07.06.2001. The petitioner appealed. The appellate authority by a cryptic order held that there is no merit in the appeal and

therefore dismissed the appeal by Ext.P2 order. So, this writ petition is filed challenging Exts.P1 and P2.

3. Heard. According to the petitioner, the latrine was in the compound of the two storied building. That portion of the land where the latrine is located has been assigned by him to his son who is going to construct a building therein. For that, he has removed the structure there. The petitioner has no ownership over the said property. Therefore, the direction ordered for restoration of the latrine is unsustainable. The 3rd respondent has filed a counter affidavit disputing the above claim of the writ petitioner. He has also produced Ext.R3 settlement deed of the petitioner executed in favour of his son. The schedule which is alloted to his son would show that there is no building there. Therefore, the contention that the portion of the land where the latrine was standing was assigned to his son was not correct, it is submitted.

4. The finding of the Rent Controller that the petitioner has cut off the amenities available to the 3rd respondent is a finding of fact with which this Court cannot interfere under Article 226/227 of the Constitution of India. Since the Appellate Court has upheld the finding of the original authority, it need not give detailed reasons. Further,

the petitioner has not produced his appeal memorandum . Therefore, we are not in a position to find out what are the contentions taken by the petitioner. In view of the above position, there is no merit in the writ petition. Accordingly, it is dismissed.

**K. BALAKRISHNAN NAIR, JUDGE.**

**T.R. RAMACHANDRAN NAIR, JUDGE.**

rv

K. BALAKRISHNAN NAIR &
T.R. RAMACHANDRAN NAIR, JJ

---

O.P. NO. 742 of 2002

---

25th day of October, 2007

JUDGMENT